

Message

**From:** Maher, Lauren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B31491F235ED4F42B8993457B426F4FE-MAHER, LAUR]  
**Sent:** 1/19/2016 2:14:48 PM  
**To:** Guadagno, Tony [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=963d435e6f7f4409be39066b27344a0b-TGUADAGN]  
**Subject:** FW: Idaho treaty rights talking points

Hi Tony,

See below for Endre's thoughts on some of Idaho's comments going to the issues of whether the treaty rights provide for water quality protection, the suppression issue, and the general population issue. Note that Endre put these together as talking points, not as a written response.

Thanks!

Lauren

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**From:** Jefferson, Tricia  
**Sent:** Wednesday, December 09, 2015 2:06 PM  
**To:** Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>  
**Cc:** Guadagno, Tony <Guadagno.Tony@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>  
**Subject:** Idaho treaty rights talking points

Hi Ethan and Tod,

I would like your thoughts today on talking points that R10 is preparing to use for a meeting tomorrow (12/10) with the certifying Board on Idaho's proposed HHC for water quality. Idaho is presenting their proposal and recommending that the board move it forward for state adoption. Angela Chung, EPA R10 Water Quality Unit Manager, is attending, as well as Jim Werntz, Director of EPA Idaho Operations Office, and Lon Kissinger, EPA R10 Risk Assessor. Angela will present EPA's final comments on ID's now revised approach. The Board will not be making the final decision tomorrow. There will be other public testimony including 3 Tribal Governments that we have been working with in the ID HHC work.

For our purposes, the region would like to have Angela prepared to answer questions she may receive about our comments regarding tribal treaty rights and water protection; tribes as target population; and using unsuppressed fish consumption rates. In their response to comments DEQ's asserts that there is no case law that supports our position on these issues and they cite to a body of case law to counter our assertions. Here's the [link](#) to the RTC. The relevant discussion is on pages 21-23 of the pdf.

Below is what Endre in R10 drafted per the region's request. I sent my initial thoughts which I will forward,

Ex. 5 Attorney Client (AC)

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We need to send any additional comments by COB today. I will also forward the more general talking points that have been drafted that mirror what we said in our Nov 6 comment letter.

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I'm providing my analysis below for all to see

Ex. 5 Attorney Client (AC)

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